

1. Adopt new sections 2020, 2020.1, and 2020.2, title 13, California Code of Regulations, to read as follows: (Note: The entire text of sections 2020, 2020.1, and 2020.2 set forth below is new language proposed to be added to the California Code of Regulations.)

Section 2020 Diesel Particulate Matter Control Measure for On-road Heavy-duty Diesel-fueled Residential and Commercial Solid Waste Collection Vehicles

- (a) **Purpose.** Diesel particulate matter was identified in 1998 as a toxic air contaminant. According to California law, an airborne toxic control measure using the best available control technology shall, therefore, be employed to reduce the public's exposure to diesel particulate matter.
- (b) **Scope and Applicability.** This regulation applies to 1960 to 2006 engine model year on-road diesel-fueled heavy-duty residential and commercial solid waste collection vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds. This regulation applies to owners, both private and government entities, and to municipalities that authorize owners through a contract, franchise agreement, permit, license or similar approval for residential and commercial solid waste collection service.
- (c) **Definitions.** For the purposes of the fleet rule specified in this section, the following definitions apply:

"Active fleet" means the total, by terminal, of an owner's solid waste collection vehicle or vehicles that accrue greater than 1000 miles per year equipped with 1960 to 2006 model year engines.

"Alternative fuel" means the same as in title 13, California Code of Regulations, section 1956.2(b)(1).

"Backup vehicle" means a residential or commercial solid waste collection vehicle that accrues less than 1000 miles annually.

"Best available control technology" means the same as in title 13, California Code of Regulations, section 2020.1 (b).

"Commercially available" means the diesel emission control strategy is available for purchase and installation.

"Contract" means to authorize an owner, through a contract, franchise agreement, permit, license or similar approval from a municipality, to perform residential and commercial solid waste collection service.

"Contractor" means an owner with a contract, franchise agreement, permit, license or similar approval from a municipality to collect residential and commercial solid waste.

“Dedicated central fueling tank” means a diesel fuel storage tank over which an owner has control and use of the fuel for the owner’s diesel-fueled solid waste collection vehicles.

“Dual-fuel engine” means any gaseous-fuel engine that is engineered and designed to be operated on either a gaseous or petroleum fuel.

“Dual-fuel heavy-duty vehicle” means a heavy-duty vehicle equipped with an Air Resources Board certified dual fuel engine.

“Heavy-duty pilot ignition engine” means an engine designed to operate using an alternative fuel, except that diesel fuel is used for pilot ignition at an average ratio of no more than one part diesel fuel to ten parts total fuel on an energy equivalent basis. An engine that can operate or idle solely on diesel fuel at any time does not meet this definition.

“Municipality” means a city, county, city and county, special district, or a public agency of the United States of America or the State of California, and any department, division, public corporation, or public agency of this State or of the United States, or two or more entities acting jointly, or the duly constituted body of an Indian reservation or rancheria that contracts private owners for solid waste collection service.

“Owner” means the same as in title 13, California Code of Regulations, section 2180.1(21).

“Residential and commercial solid waste” means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, rubbish, ashes, yard waste, recyclable materials, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes originating from single-family or multiple family dwellings, stores, offices, and other commercial sources, and construction and demolition projects in residential and commercial zones, not including hazardous, radioactive, or medical waste.

“Rolloff vehicle” means any heavy-duty vehicle used for transporting waste containers such as open boxes or compactors that may be removed from the tractor.

“Solid waste collection vehicle” means an on-road heavy-duty vehicle with a manufacturer’s gross vehicle weight rating of greater than 14,000 pounds used for the purpose of collecting residential and commercial solid waste for a fee using manual or automated, front, side or rear loaders generally operating on fixed routes, or rolloff vehicles.

“Terminal” means the same as in California Vehicle Code, section 34515.

“Verified” means the diesel emission control strategy, or system, that reduces particulate matter engine emissions at a verified level as defined in the “Verification

Procedure for In-Use Strategies to Control Emissions from Diesel Engines” in title 13, California Code of Regulations, section 2702 (f), Table 1.

“Warranty Period” means the same as in the “Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines” in title 13, California Code of Regulations, section 2707.

NOTE: Authority cited: sections 39600 and 39601, Health and Safety Code.
Reference: sections 39002, 39003, 39658, 43000, 43013, 43018, 43101, 43102, 43104, and 43105.

Section 2020.1 Methods for Determining Compliance with Diesel Particulate Control Measure for an Owner.

- (a) **Compliance Requirements.** As of the applicable effective dates, an owner who operates an active fleet of solid waste collection vehicles is required to comply with this diesel particulate matter control measure. Compliance requires:
 - (1) Use of a best available control technology for each solid waste collection vehicle in the active fleet as specified in paragraph (b),
 - (2) Implementation for solid waste collection vehicles in the active fleet as specified in paragraph (c),
 - (3) Use of appropriate fuel for each solid waste collection vehicle in the active fleet as specified in paragraph (d),
 - (4) Recordkeeping as specified in paragraph (e), and
 - (5) If a compliance deadline extension is granted by the Executive Officer per paragraph (f), the owner shall be deemed to be in compliance as specified by the Executive Officer’s authorization.
- (b) **Best Available Control Technology.** Each owner shall use one of the following best available control technologies on each engine in the active fleet as required by the implementation schedule in paragraph (c):
 - (1) An engine or power system alone, or used in combination with a verified diesel emission control strategy, that is certified to the optional 0.01 g/bhp-hr particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a)(2), or the 0.01 g/bhp-hr particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a), when effective; or

- (2) An alternative fuel engine, or a heavy-duty pilot ignition engine, provided that certified particulate matter emissions are no more than 0.03 g/bhp-hr or;
- (3) The highest level diesel emission control strategy that is verified for a specific engine to reduce diesel particulate matter, as set forth in the "Verification Procedure for In-Use Strategies to Control Emissions from Diesel Engines" as specified in chapter 14, title 13, California Code of Regulations commencing with section 2700 incorporated by reference herein, and which the diesel emission control strategy manufacturer's agent responsible for installing agrees can be used on a specific individual engine and vehicle combination.
- (c) **Implementation Schedule.** The owner shall comply with the schedule in Table 1 - Implementation Schedule for Solid Waste Collection Vehicles Model Years 1960 to 2006 for vehicles in his active fleet for the specified percentage of vehicles by each applicable compliance deadline.

Table 1 - Implementation Schedule for Solid Waste Collection Vehicles Model Years 1960 to 2006.

Tier	Engine Model Years	Percentage of Tier to Use Best Available Control Technology	Compliance Deadline
1	1994 – 2002	10	December 31, 2004
		25	December 31, 2005
		50	December 31, 2006
		100	December 31, 2007
2	1960 – 1993	50	December 31, 2008
		100	December 31, 2009
3	2003 – 2006	100	December 31, 2009

- (1) Calculating Percentages for Implementation based on Active Fleet Size. The owner shall calculate the size of his active fleet on January 1st of each year. The total number of solid waste collection vehicles required to be in compliance by the "Compliance Deadline" (TotVeh) is calculated by multiplying "Percentage of Tier to Use Best Available Control Technology" (Tier%BACT) for that year by the sum of the number of solid waste collection vehicles in an engine model year tier (#SWCV) and the number that are alternative-fueled (#AF) as in this following expression:

$$\text{TotVeh} = \text{Tier\%BACT} * (\text{\#SWCV} + \text{\#AF})$$

- (A) The total number of solid waste collection vehicles in compliance (TotComp) as of the calculation date shall be subtracted from TotVeh to determine the total number of additional solid waste collection vehicles required to be brought into compliance (TotAddComp) before the next compliance deadline as in the following expression:

$$\text{TotAddComp} = \text{TotVeh} - \text{TotComp}$$

(B) If the TotAddComp is not equal to a whole number of solid waste collection vehicles, the owner is expected to round up to the nearest solid waste collection vehicle when the fractional part of AddComp is greater than or equal to one-half of a solid waste collection vehicle, and expected to round down to the nearest solid waste collection vehicle when the fractional part of AddComp is less than one-half of a solid waste collection vehicle.

(2) Compliance Deadline Extensions based on Early Implementation.

(A) If fifty percent of the tier 1 solid waste collection vehicles in an owner's active fleet are using a best available control technology by December 31, 2003, then the owner may delay the 100 percent compliance deadline for tier 1 to December 31, 2008.

(B) If fifty percent of the tier 2 solid waste collection vehicles in an owner's active fleet are using a best available control technology by December 31, 2007, then the owner may delay the 100 percent compliance deadline for tier 2 to December 31, 2010.

(d) **Fuel Requirement.** Beginning December 31, 2004, an owner shall use in the active fleet diesel-fueled solid waste collection vehicles in his active fleet diesel fuel with a sulfur content of 15 parts per million by weight or less. A fuel that is verified by the Executive Officer as a diesel emission control strategy in accordance with section 2700 et seq., Title 13, CCR may be used instead of diesel fuel with a sulfur content of 15 parts per million by weight or less. An owner with fewer than ten vehicles in his active fleet, and that operates in a federal one-hour ozone attainment area, is not subject to this low-sulfur fuel requirement until July 1, 2006.

(e) **Record Keeping Requirement.** As of the effective implementation schedule in paragraph (c), an owner shall comply with the following record keeping requirements. The owner shall provide the following records to an agent or employee of the Air Resources Board upon request for all solid waste collection vehicles in his active fleet subject to compliance with this regulation.

(1) Records Accessible at Terminal. The owner shall keep the following records accessible either in hard copy format or computer records at the terminal where a solid waste collection vehicle normally resides:

(A) Solid waste collection vehicle identification numbers correlating to engine manufacturer, model, and model year in a list,

(B) Manufacturer, model, level, and installation date of verified diesel emission control strategy for each solid waste collection vehicle,

(C) Serial number on the installed diesel emission control strategy as specified in chapter 14, title 13, California Code of Regulations, commencing

with section 2706(g)(1),

(D) Service maintenance dates on the installed diesel emission control strategy per diesel emission control strategy manufacturer specifications,

(E) Copies of receipts or invoices of appropriate fuel, or fuel additives, if in use as a diesel emission control strategy,

(F) Engine maintenance dates per engine manufacturer specifications on the air-fuel management system including adjustments,

(G) For each backup vehicle, its vehicle identification number and mileage, or hours, as of January 1st of each year beginning January 1, 2005, and

(H) Retirement date of an engine for which an owner is claiming an exemption under paragraph (g)(3).

(2) Records Kept in the Vehicle. For each solid waste collection vehicle in the active fleet, the owner shall keep the following information affixed to the driver's side door jam, or another readily accessible location known by the driver of each vehicle, in the form of a legible and durable label:

(A) Label information specified in the system labeling requirements from chapter 14, title 13, California Code of Regulations, section 2706 (g), and including installation date of the verified diesel emission control strategy, or

(B) Model year of engine and planned compliance date, or

(C) Experimental diesel emission control system manufacturer name, type of experimental diesel emission control system, beginning date and ending date of testing and evaluation period, or

(D) Identification as a backup vehicle and its mileage, or hours, as of January 1st of each year beginning January 1, 2005, or

(E) Retirement date for which an owner is claiming an exemption pursuant to paragraph (g)(4).

(3) Records shall be kept for each solid waste collection vehicle until it is sold outside of the State of California or is no longer used as a solid waste collection vehicle for the purpose of residential and commercial solid waste collection in the State of California.

(f) **Compliance Extensions.** An owner may receive an extension in compliance for the following reasons:

(1) No Verified Diesel Emission Control Strategy. If a diesel emission control strategy has not been verified under chapter 14, title 13, California Code of Regulations, commencing with section 2700, or is not commercially available for a particular engine/vehicle combination, an annual extension in compliance may be granted under the conditions specified in (A) or (B) below:

(A) Executive Officer Compliance Extension. The Executive Officer shall grant a one-year compliance extension if a verified diesel emission control strategy is not available for a solid waste collection vehicle engine ten months prior to each compliance deadline specified in paragraph (c). For tier 1 solid waste collection vehicle engines, the Executive Officer may grant an annual extension until February 29, 2007, after which the owner shall comply with paragraph (b) by December 31, 2008. For tiers 2 and 3 solid waste collection vehicle engines, the Executive Officer may grant an annual extension until February 28, 2009, after which the owner shall comply with paragraph (b) by December 31, 2010.

(B) Owner Application Compliance Extension. An owner may apply to the Executive Officer for a compliance extension for one or more engines, if a verified diesel emission control strategy is not available for a solid waste collection vehicle engine or application, six months prior to each compliance deadline specified in paragraph (c). The owner must provide documentation of the lack of availability of a diesel emission control strategy for the specific engine or application, and documentation that diesel emission control strategies have been applied wherever possible to the remaining solid waste collection vehicles in the active fleet, as required in paragraph (c). The application for compliance extension must be received by the Executive Officer by July 31 annually. For tier 1 solid waste collection vehicle engines, an annual compliance extension application shall be accepted until July 31, 2007, after which the owner shall comply with paragraph (b) by December 31, 2008. For tiers 2 and 3 solid waste collection vehicle engines, an annual compliance extension application shall be accepted until July 31, 2009, after which the owner shall comply with paragraph (b) by July 1, 2010.

(2) No Fuel or Fuel Infrastructure. An owner who receives a compliance extension under this paragraph is still obligated to implement best available control technology as required in (b). An owner may apply to the Executive Officer no later than September 1, 2004 to obtain a compliance extension to July 1, 2006 in the requirement to use diesel fuel with a sulfur content of 15 parts per million by weight or less. The approval of the application for delay shall be based on one of the following conditions:

(A) Unavailability of Fuel. The owner who has a dedicated central fueling tank shall provide evidence that a public solicitation seeking to procure diesel fuel with a sulfur content of 15 parts per million by weight or less was issued by July 1, 2004, and that no reasonable bids were returned, and that diesel fuel with a sulfur content of 15 parts per million by weight or less is not

available at a local fueling station; or

(B) Unavailability of Fuel Infrastructure. The owner shall provide evidence that he does not have a dedicated central fueling tank and that diesel fuel with a sulfur content of 15 parts per million by weight or less is not available at a local fueling station; or

(C) Fleet in Federal One-Hour Ozone Attainment Area. The owner shall provide evidence that his active fleet operates in a federal one-hour ozone attainment area by supplying his California Highway Patrol issued California fleet and terminal identification numbers, and terminal address.

(3) An owner with fewer than four solid waste collection vehicles in his active fleet may delay the compliance deadline of any engine in tier 1 to December 31, 2007 and in tier 2 to December 31, 2009.

(g) Diesel Emission Control Strategy Special Circumstances.

(1) Diesel Emission Control Strategy Failure. In the event of failure of a diesel emission control strategy, the owner shall continue to comply with this regulation as specified in (A) or (B) below:

(A) During Warranty Period. If a diesel emission control strategy fails within its warranty period and if the diesel emission control strategy manufacturer or the diesel emission control strategy manufacturer's agent responsible for installing the diesel emission control strategy determine it can not be repaired, the owner shall replace the diesel emission control strategy with either the same level diesel emission control strategy or the best available control technology as defined in paragraph (b), or

(B) Outside of Warranty Period. If a diesel emission control strategy fails outside of its warranty period, the owner shall install a diesel emission control strategy that is the best available control technology as defined in paragraph (b) unless it meets (3) below.

(2) Fuel Verified as a Diesel Emission Control Strategy. If an owner discontinues use of a fuel verified as a diesel emission control strategy for a solid waste collection vehicle in his active fleet, the owner must use the best available control technology as defined in paragraph (b) no later than 30 days from the date of discontinuation. In the event another best available control technology is not commercially available within that time period, a compliance plan must be submitted to the Executive Officer no later than 60 days after discontinuation.

(3) Engine Retirement Exemption. If an engine is within one year of retirement from the active fleet, the owner is exempt from applying the best available control technology as defined in paragraph (b) to that engine, provided documentation of expected retirement date is kept in records as specified in

paragraph (e).

- (4) **Use of Experimental Diesel Particulate Matter Emission Control Technologies.** An owner may use an experimental diesel particulate matter emission control strategy provided by or operated by the manufacturer in no more than ten solid waste collection vehicles in his active fleet for testing and evaluation purposes exclusively. The solid waste collection vehicle will be considered to be in compliance for the length of the testing and evaluation period of the experimental technology on that solid waste collection vehicle. The owner must bring the solid waste collection vehicle into compliance within six months of the end of the testing and evaluation period.

NOTE: Authority cited: sections 39600 and 39601, Health and Safety Code.
Reference: sections 39002, 39003, 39658, 43000, 43013, 43018, 43101, 43102, 43104, and 43105.

Section 2020.2 Methods for Determining Compliance with Diesel Particulate Control Measure for a Municipality.

- (a) **Compliance Requirement.** As of December 31, 2004, a municipality shall require a contractor to comply with title 13, California Code of Regulations, section 2020.1.
- (b) **Reporting Requirement.** The municipality shall submit the following reports to the Executive Officer as described in subparagraphs (1) and (2) below:
- (1) **Initial Report.** A municipality shall submit a report by March 31, 2005 to the Executive Officer listing all its contractors as of December 31, 2004. Each report shall include the following:
- (A) Municipality name, address, telephone number, fax number, contact name and electronic mail address;
 - (B) For each contract, the contractor name, owner name, contact name, if different from owner name, business address, business telephone number, business fax number, terminal address(es) that serve that municipality, California Highway Patrol issued California fleet identification and terminal identification numbers of terminals serving that municipality; and
 - (C) A description of funding source to compensate a contractor for compliance with title 13, California Code of Regulations, section 2020.1 to the extent to which a municipality regulates rates.
- (2) **Annual Reports.** A municipality shall submit annual reports to the Executive Officer listing all its contractors as of January 1st of each applicable year beginning January 31, 2006, and every January 31st through the year 2010.

Each report shall include all of the information in paragraph (b)(1), and in addition the following:

(A) An annual signed statement from each contractor stating it is in compliance with title 13, California Code of Regulations, section 2020.1; or

(B) An annual signed statement from the municipality stating that signed statements have been received from each contractor in accordance with paragraph (b)(2)(A); and

(C) Any new contractor information since the previous report as specified in (b)(1)(B) and (b)(1)(C); and

(D) The information as specified in (b)(1)(B) of any contractor who has not submitted the annual signed statement to the municipality for that year.

- (c) Upon notification from the Executive Officer, or determination by the municipality through a lack of submittal of an annual signed statement as specified in section 2020.2 (b)(2)(b), that a contractor is not in compliance with title 13, California Code of Regulations, section 2020.1, the municipality shall submit a plan for the Executive Officer's approval to bring the contractor into compliance. The municipality shall submit the plan no later than 90 days after the Executive Officer's notification, or the municipality's determination, of non-compliance.

NOTE: Authority cited: sections 39600 and 39601, Health and Safety Code.
Reference: sections 39002, 39003, 39658, 43000, 43013, 43018, 43101, 43102, 43104, and 43105.